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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGEL MENDEZ,)	Case No.: C 03 4485 PJH
)	
Plaintiff,)	STIPULATION AND ORDER GRANTING
)	PLAINTIFF LEAVE TO DEPOSE
vs.)	WITNESSES CONFINED IN
)	CALIFORNIA STATE PRISONS
COUNTY OF ALAMEDA, et al.,)	
)	
Defendant)	

1 WHEREAS, Plaintiff's counsel is informed and believes that George Martinez (CDC #
2 V53429) and Isaac Ibarra (CDC# V75226) are percipient witnesses with discoverable
3 information pertaining to the subject matter of this litigation;

4 WHEREAS, Plaintiff's counsel has been informed that Mr. Martinez and Mr. Ibarra are
5 in the custody of the California Department of Corrections. Plaintiff's counsel is informed and
6 believes that Mr. Martinez is currently incarcerated at the California Correctional Center in
7 Susanville, California, and that Mr. Ibarra is currently incarcerated at the Mule Creek State
8 Prison in Ione, California,

10 WHEREAS, Plaintiff is seeking leave of Court Pursuant to F.R.C.P. 30(a)(2) and
11 F.R.C.P. 26(b)(2) to depose said witnesses in this action,

13 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF
14 RECORD, DO HEREBY STIPULATE AND AGREE AS FOLLOWS:

15 That Plaintiff shall be granted leave to depose George Martinez and Isaac Ibarra who are
16 in the custody of the California Department of Corrections as follows:

- 17 1) George Martinez (CDC# V53429): Deposition Date/Time: September 26, 2005 at 10:30 a.m.
18 Location: California Correctional Center
19 in Susanville, CA.
- 20 2) Isaac Ibarra (CDC# V75226): Deposition Date/Time: September 14, 2005, 1:00 p.m.
21 Location: Mule Creek State Prison in Ione, CA.

22 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD
23 FURTHER AGREE AND STIPULATE THAT the Court may issue all appropriate Orders as
24 necessary to compel the attendance of Mr. Martinez and Mr. Ibarra at their depositions, including
25 any necessary Order(s) to the California Department of Corrections to produce said inmates for
26 deposition by counsel for the parties.
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1 IT IS HEREBY FURTHER STIPULATED AND AGREED THAT in the event that the
2 depositions cannot go forward on the dates and times due to the unavailability of counsel for the
3 parties and/or at the specific prison locations set forth above due to the transfer of any inmate
4 and/or for any other reason, counsel for the parties may stipulate to alternative dates and times
5 and/or alternative prison locations as necessary without the need for a further Court Order.

6 IT IS SO STIPULATED:

7 Dated: August 19, 2005

8 _____/S/_____

9 JAMES B. CHANIN

Attorney for Plaintiff

10 Dated: August 22, 2005

11 _____/S/_____

12 CLYDE A. THOMPSON

Attorney for Defendants

13 PURSUANT TO STIPULATION,
14 IT IS SO ORDERED AS FOLLOWS:

15 Plaintiff's counsel is hereby granted leave to take the depositions of the persons in the
16 custody of the California Department of Corrections as follows:

- 17 1) George Martinez (CDC# V53429): Deposition Date/Time: September 26, 2005 at 10:30 a.m.
18 Location: California Correctional Center
in Susanville, CA.
- 19 2) Isaac Ibarra (CDC# V75226): Deposition Date/Time: September 14, 2005, 1:00 p.m.
20 Location: Mule Creek State Prison in Ione, CA.

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22 In the event that the depositions cannot go forward on the above dates and times and/or at
23 the aforementioned locations due to the unavailability of counsel and/or the transfer of the
24 deponents to other correctional facilities and/or for any other reason, counsel for the Plaintiff and
25 Defendants may stipulate to taking the depositions on alternative dates and/or times and/or at
26 alternative locations as necessary without further Order of this Court.
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1 IT IS HEREBY ORDERED THAT the California Department of Corrections shall make
2 Mr. Martinez and Mr. Ibarra available for deposition on the dates and at the times set forth above
3 and/or on alternative dates and times and/or at alternative locations as necessary pursuant to the
4 stipulation of counsel for the Plaintiff and Defendants.

5 IT IS SO ORDERED:
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8 Dated: August 26, 2005
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10 PHYLLIS J. HAMILTON
11 Judge of the United States
12 District Court
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